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10/705,925

11/13/2003

Hyoung-Jun Kim

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EXAMINER

MILLER, BRIAN E

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

04/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|-----------------------------------|--|
| Office Action Summary | Application No. 10/705,925 | Applicant(s) KIM ET AL. | |
| | Examiner BRIAN E. MILLER | Art Unit 2627 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/18/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-20,22-24 and 27-36 is/are pending in the application.
- 4a) Of the above claim(s) 7,9-17,19,20,22-24 and 27-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,8 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Claims 1-2, 5-20, 22-24, 27-36 are pending, with claims 7, 9-17, 19-20, 22-24, 27-36 withdrawn due to a previously set forth restriction requirement.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 5-6, 8, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by D'Alayer de Costemore d'Arc (US 5,956,310). D'Alayer de Costemore d'Arc discloses (as per claim 1) a disk loading apparatus for a disk drive, as shown mainly in FIG. 6-7 including: a main body 10; and a tray 96 including a disk-seating portion 36 configured to be rotated inside and outside the main body about a center of rotation located at one side of the main body (see FIG. 7); a disk guide unit 112/114/106/108 provided on the tray 96 and the main body 10 and configured to cause a disk to be loaded and unloaded according to a rotating motion of the tray portion/disk-seating portion 36, wherein for at least a portion of the movement of the tray from a closed position to an open position, a disk-loading position determined by the disk guide unit, e.g., element 108 of tray portion 36 is configured to move relative to the tray 96 (see col. 8, lines 8-41 and FIGS. 6-7) and is considered to meet the language “wherein at least a portion of an edge of the tray has a same end portion of an edge of the tray has substantially a same end as and does not protrude beyond an edge of a disk seated in the disk-seating portion” as FIG. 7 clearly shows a dashed phantom line of the outer diameter of the disc, such that the disc does not

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protrude beyond an edge of a disk seated in the disk-seating portion; (as per claim 2) further comprising a drive device configured to rotate the tray 1; wherein the drive unit comprises: a driving motor 119 mounted on a main base (see FIGs. 6-7) and rotate in a forward or reverse direction and a power transmission unit, e.g., including at least elements 112,114,120,122,126 configured to transmit driving force from the driving motor to the tray 36/96; wherein the power transmission unit comprises at least one gear 112/114 (see also col. 8, lines 42-63; (as per claim 5) wherein a rack gear, e.g., 114 (FIG. 2), having a predetermined radius of curvature (as shown) formed on a bottom surface of the tray portion 36 and configured to engage with the driving gear 114 of the power transmission unit; (as per claim 6) wherein the center of rotation 2 of the tray is located at a front end of the main body as shown by FIG. 7; (as per claim 8) wherein a predetermined gap, e.g., unspecified space, is formed between the tray and the main body on a side of the tray adjacent the center of rotation, i.e., the tray and main body is not integrally formed therefore a “gap” necessarily exists therebetween; (as per claim 18) wherein the apparatus 10 is a disk drive, e.g., a CD player.

Response to Amendments & Argument

3. Applicant's arguments with respect to claims 1-2, 5-6, 8, 18 have been considered but are moot in view of the new grounds of rejection.

A...Newly cited reference to D'Alayer de Costemore d'Arc, is considered to encompass the newly amended limitations, as discussed, supra.

B...Applicant's remarks with respect to dependent claims 2, 5-6, 8 &18, fail to comply with 37 CFR 1.111(b) (c) because they amount to a general allegation that the claims define a patentable

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invention without specifically pointing out how the language of the claims patentably distinguishes them from the references, and because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN E. MILLER whose telephone number is (571)272-7578. The examiner can normally be reached on M-TH 7:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*/Brian E. Miller/
Primary Examiner, Art Unit 2627*

BEM
March 30, 2008